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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,
Plaintiff

v.

ROBERT W. MEYERS, et al.,
Defendants

:
:
: No. 1:CV-00-0895
:
: (M.J. Smyser)
:
:

**DEFENDANTS' MOTION FOR MODIFICATIONS
TO CASE MANAGEMENT ORDER**

FILED
HARRISBURG
JAN 4 2001
Per MARY E. D'AMOREA, CLERK
DEPUTY CLERK

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, defendants, by their counsel, move the Court for modifications to the Case Management Order issued August 1, 2000. In support hereof, defendants state as follows:

1. This is a civil action for damages brought pursuant to 42 U.S.C. § 1983.
2. Plaintiff is an inmate incarcerated by the Pennsylvania Department of Corrections.

Until a few days ago, plaintiff had been incarcerated at the State Correctional Institution at Rockview, Bellefonte, Pennsylvania ("SCI-Rockview").

3. In accordance with the orders of August 1, 2000 and November 30, 2000, defendants noticed plaintiff's deposition upon oral examination for January 4, 2001 at SCI-Rockview. (See attached).

4. On January 2, 2001, counsel for defendants was advised by staff of the Pennsylvania Department of Corrections that plaintiff has been transferred for medical reasons from SCI-Rockview to SCI-Waymart, Wayne County, Pennsylvania, and he is expected to be there for an extended period of time.

5. Because plaintiff's transfer has been for medical reasons, his deposition scheduled for January 4, 2001 at SCI-Rockview has been canceled and it is unlikely that it can be rescheduled before the current discovery deadline of February 1, 2001.

6. As a consequence, defendants request a 90-day enlargement of the discovery and dispositive motion deadlines in order to take plaintiff's deposition when he is able, to follow up the deposition with reasonable discovery before the discovery deadline, and to prepare and file a motion for summary judgment.

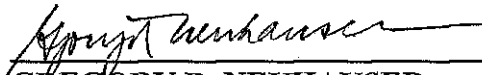
7. Plaintiff will not be prejudiced by a 90-day enlargement of time.

WHEREFORE, defendants' motion for modifications to the case management order should be granted.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


GREGORY R. NEUHAUSER
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
717-787-8106

DATE: January 4, 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,
Plaintiff

v.

ROBERT W. MEYERS, et al.,
Defendants

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: No. 1:CV-00-0895
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: (M.J. Smyser)
:
:

NOTICE OF DEPOSITION UPON ORAL EXAMINATION

TO: Terrance Montague, ZA-2761
SCI-Rockview
Box A
Bellefonte, PA 16823-0820

PLEASE TAKE NOTICE that, in accordance with Rule 30 of the Federal Rules of Civil Procedure and the Order dated November 30, 2000, counsel for defendants will take the deposition upon oral examination of the plaintiff on Thursday, January 4, 2001, beginning at 10:00 a.m. at the State Correctional Institution at Rockview, Pennsylvania.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


GREGORY R. NEUHAUSER
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
717-787-8106
DATE: December 14, 2000



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,
Plaintiff

v.

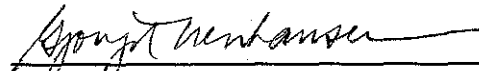
ROBERT W. MEYERS, et al.,
Defendants

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CERTIFICATE OF SERVICE

I, **GREGORY R. NEUHAUSER**, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on **January 4, 2001**, I caused to be served a true and correct copy of the foregoing document **Defendants' Motion for Modifications to Case Management Order**, by depositing it in the United States mail, first-class postage prepaid to the following:

Terrance Montague, BZ-2761
SCI-Waymart
P. O. Box 256, Route 6
Waymart, PA 18472-0256



GREGORY R. NEUHAUSER
Senior Deputy Attorney General